

Minutes of the Veneta City Council

August 11, 2008

Present: Mayor T. J. Brooker, Thomas Cotter, Darrell Carman, Sharon Hobart-Hardin and Marion Esty

Others: Ric Ingham, City Administrator; Jerri Moore, Finance Director; Sheryl Hackett, City Recorder; Brian Issa, Community Services Director; Teresa Warrick, Compliance Officer; Darci Henneman, Assistant City Recorder; and Rose Wymore

Mayor Brooker called the Veneta City Council to order at 7:00 p.m.

1. PUBLIC COMMENT

None

2. CONSENT AGENDA

MOTION: Sharon Hobart-Hardin made a motion to approve the consent agenda as presented. Thomas Cotter seconded the motion.

Vote: Thomas Cotter, aye; Marion Esty, aye; Mayor Brooker, aye; Darrell Carman, aye; and Sharon Hobart-Hardin, aye.

The consent agenda as approved included Minutes for July 14, 2008 and Bills Paid and Payable for July and August, 2008.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

- (1) Appointment of new member to the Planning Commission
Mayor Brooker said two applications for the Planning Commission vacancy were received. One from Lily Rees and one from Estelle Sweet. He said Ms. Sweet is very active in the Ford Foundation Leadership program as well as other community groups in the area. However, she did not have the government experience that Ms. Rees has and therefore he reappointed Lily Rees to the vacant seat on Planning Commission. He would like to keep Ms. Sweet's application on file for future City involvement.

In response to a question from Darrell Carman, Ric said Lily Rees' position ended December 31, 2007. He said it was an oversight on staff's part that the Planning Commission vacancy wasn't advertised as of January 2008. However, in June staff initiated the application process.

Thomas Cotter said the swimming pool measure has been issued a ballot number of 20-140. He said the pool destruction date and planned entertainment will be September 27, 2008.

Sharon Hobart-Hardin said the Parks Board did not meet in August.

Joan Mariner reminded everyone the skate board contest will be held on Saturday, August 16, 2008 at the Veneta Skate Park. She said Boardsports, Inc., Neighbors 4 Responsible Growth and the Veneta Park Board are sponsoring the event. She said there will be children's activities including, story telling, games and mud pie tables.

Sharon Hobart-Hardin said information about the new pool and the destruction day will be available at the skateboard contest. Mayor Brooker said the Mayor's Roundtable meeting is scheduled for August 14, 2008 at the Springfield City Library,

4. STAFF REPORTS

a. FINANCE DIRECTOR JERRI MOORE

(1) Audit Services RFP (Requests for Proposals) Update.

Jerri said the RFP for a new City auditor was advertised in the Oregonian newspaper on Monday, August 4, 2008 and in the Register Guard on Friday, August 1, 2008. The RFP has also been posted on the City's website since Thursday, July 31, 2008. She said proposals will be accepted until 3:00 p.m. on Monday, August 25, 2008. We have yet to receive any proposals. Jerri asked the Council if anyone was interested in sitting as a member of the Proposal Review Committee. She said John Paulson, a Certified Public Accountant in Eugene is also available to sit on the Committee. Jerri would like the Committee to review the proposals the week of August 26 and draft a recommendation to the City Administrator and City Council prior to the September 8, 2008 Veneta City Council meeting.

Sharon Hobart-Hardin volunteered to sit on the Proposal Review Committee.

(2) 3rd Quarter Financials for 2007/08 Fiscal Year

Jerri said the 3rd Quarter Report was self-explanatory and asked the Council if they had any questions.

In response to questions from Sharon Hobart-Hardin, Jerri said the majority of the planning costs for technical services are reimbursed making the revenue stream higher. She said in May of 2008 a supplemental budget was approved because those costs exceeded the budgeted amount. She said both sides of the budget item (resource and expenditure) were modified in the Supplemental Budget adopted in May 2008.

Jerri said many significant expenditures were budgeted in 2007-08 but didn't get acted on through March 31, 2008. She said \$100,000 was budgeted for the Bolton Hill Road improvements as of March 31, 2008 but the project wasn't initiated until July 2008. She said a variety of sewer treatment plant improvements were also budgeted but have yet to be initiated. For example, \$80,000 is budgeted for the infiltration and inflow (I & I) update which also hasn't begun. She said the same explanation applies to the Materials and Services for Stormwater Drainage fund.

In response to a question from Mayor Brooker, Jerri said \$50,000 was budgeted to purchase a new vactor trailer. However, Kyle found a used one at a significant savings. She said it was purchased outright and an inter-fund loan was made for the purchase.

(3) Pine Street Project Close-out Report

Jerri said the largest change order involved the replacement and installation of an old water line. She said the project was completed in

good order.

Ric said the Pine Street connector project took over three years to complete which was longer than anticipated. He said future projects budget information will be compiled and brought back to the Council in a shorter period of time.

In response to a question from Mayor Brooker, Jerri said staff is still working on software replacement RFP.

b. COMMUNITY SERVICES DIRECTOR BRIAN ISSA
(1) Water Reclamation Grant

Brian said new funding approved by the Oregon Legislature in 2007 created an opportunity to secure grant funding for innovative water reuse and storage planning. He said the Oregon Water Resources Department has \$1.6 million available for funding under the Water Conservation, Reuse and Storage Grant Program. The program provides match funding for project planning studies performed to evaluate the feasibility of developing a water conservation, reuse or storage project. He said the Department will award up to \$500,000 to each project selected for funding. Funding recipients will be required to demonstrate funding from another source that is not less than a dollar-for-dollar match of the amount of Program funding requested. Brian said applications must be received by September 2, 2008.

Brian said this is a great opportunity for the City to address a long term issue with our current water treatment system. Both City treatment facilities currently discharge large volumes of backwash water (the water used to clean the filters) into local waterways. He said the discharge is permitted by state regulators but wastes huge amounts of water. This discharge could also pose a liability for the City with regard to the property owners downstream. He said previous attempts to recover and treat the backwash water have been unsuccessful.

Brian said Adam Sussman of GSI Water Solutions was contacted to draft a proposal for writing a grant application for a system design addressing the backwash issue. Mr. Sussman was of the opinion the City has a competitive project and agreed to draft a proposal.

Brian said currently the City budgeted \$38,000 for rehabilitation of the backwash systems. Staff is seeking Council approval to enter into a contract with GSI at a not to exceed amount of \$3,000 to write and submit the grant package for development of a plan to address reclamation of the backwash water at both treatment sites. Brian said the remaining \$35,000 would be used as matched funds. Brian said time is of the essence because the grant application deadline is September 2, 2008.

In response to a question from Sharon Hobart-Hardin, Brian said Mr. Sussman would look at a feasibility study and talk with engineers to find out how much grant funding we should ask for.

Ric said funds were set aside for Jerry Elliot to do engineering and capital construction work. Ric said a portion of those funds would be used to hire GSI to draft and submit a grant package for development of a plan to

address the reclamation of backwash water at both water treatment sites.

Sharon Hobart-Hardin thanked staff for following up on this.

Mayor Brooker said there's a huge amount of water we should be looking into reclaiming. He asked Brian to continue to keep the Council updated on this subject and requested a copy of the GSI proposal to be placed in the Councilors' boxes.

MOTION: Darrell Carman made a motion to approve entering into a contract with GSI Water Solutions at a not to exceed amount of \$3,000, to complete the grant application to submit to the Oregon Water Resources Department. Sharon Hobart-Hardin seconded the motion with passed with a vote of 5-0.

- (2) Coordinated Population, Water and Sewer Master Planning Update. Brian said on August 5, 2008 the Lane County Board of Commissioners voted unanimously to move forward with initiating an Intergovernmental Agreement (IGA) with Portland State University (PSU) to make population projections for the cities within Lane County to the year 2030. Based on the proposal from PSU, this work will not likely be completed prior to March 2009. Brian said under the best case scenario without appeals at the local or county level, the cities may not have usable population forecasts until October 2009. He said both Lane County and City staff believe the process will likely take significantly longer. The resolution of a single LUBA appeal at either level could take nine months or more pushing the completion date into 2010. He said in order to resolve the issue in a more timely manner, the cities of Lane County have submitted an application for amendment of the County Comprehensive Plan to include new numbers. Each City will draft their own numbers and justification to submit as a single packet. Unfortunately, it appears the County has no deadline to process the applications and, based on recent comments from the Board of Commissioners, they are inclined to sit on the application or ignore it completely until the PSU study is complete. He said either way, the City is no closer to having an updated population number than we were in 2006 when our initial request was made.

Brian said this leaves the City using the adopted population projection of 5,760 until the new numbers can be adopted. This may impact our ability to plan and construct infrastructure improvements in advance of new development. Brian said currently the City is undergoing updates to both our wastewater and water master plans developed in 1997 and 1998. These long range planning documents use population projections to identify both the necessary infrastructure to serve our population and the cost of improvements. Brian said the City can complete the current plan updates without a coordinated number but we run the risk that the adopted number will be drastically different from that used in the analysis. Brian said a Capital Improvement Plan (CIP) provides the base for SDC rates charged to developers but we would also not be able to gather SDC's or plan/construct projects based on the new CIP until a new number is adopted.

Brian said the most recent population estimate was 4,640 as of July 1, 2007. He said large infrastructure projects may take two or more years to plan and construct and the City could be out as far as five years before

any new water or sewer facilities come on line to serve a population over 5,760. He said the water CIP is currently based on the addition of two new wells from 1997-2020. This was based on the assumption the wells would produce sufficient quantities of water to support peak demand of a 5,760 population figure. Brian said the 1998 Water Master Plan indicates a peak demand for a population of 5,760 is approximately 1,893,000 gallons per day (gpd). He said recent well development resulted in lower than expected water production. Currently the City's production capacity is around 1,461,000 gpd, or 431,400 gpd short of what is needed to serve the 5,760 population estimate.

Brian said the current Wastewater Master Plan Update will examine capacities in detail and recommend changes to accommodate future population. Brian said the master plan will also explore the possibility of treating the City's effluent to level IV to allow for more options for reuse and reclamation.

Brian said that until the master plans are completed, it is difficult to determine to what extent the lack of the coordinated population numbers may affect the City's ability to design and construct necessary infrastructure. Both plans are due to be completed in 2008. He said in the meantime, staff and legal counsel continue to seek resolution of the coordinated population issue through all available channels.

In response to a question from Sharon Hobart-Hardin, Ric said 10 Lane County cities continue to work together to complete this. He said a Governor's representative is asking them to drive the process through the OLCD staff to see if they can take some action at a legislative level.

Sharon Hobart-Hardin thanked Brian for his memo and asked to be regularly updated on this matter.

In response to a question from Mayor Brooker, Brian said Carrie Connelly has been reviewing the tree code. He is hopeful to get it back from her in the next few days to finalize and present it to the Council at the September 8, 2008 Council meeting. He said hillside and grading code updates will follow.

c. CITY RECORDER SHERYL HACKETT

(1) Code Enforcement Update

Sheryl Hackett said by the end of 2007 staff had completed all the action requested by Council for updating the Enforcement Code with the exception of working with legal counsel to propose code language to allow staff to write tickets for infractions.

Sheryl said staff is currently in the process of drafting a policy. After the Council approves the draft policy staff will prepare code amendments to implement the policy. She said staff is also reviewing all ordinances to confirm the penalty sections are current and allow staff to write citations. She said legal review will be done before presenting amendments to the Council for adoption.

She said currently legal counsel handles many violations, including business registration violations. She said a business license fee is only

\$30. She said it's not cost effective to have legal counsel involved when businesses don't comply. She suggested giving the City the ability to issue citations or fines. She said because the code enforcement budget is limited, she suggested increasing business registration fees and/or giving the City the ability to impound abandoned vehicles. She said currently, Lane County processes abandoned vehicles within the City limits.

She said amendments to the enforcement section of the Land Development Ordinance will require two public hearings, one before the Planning Commission and one before the City Council. Staff has tentatively schedule the first public hearing (Planning Commission) for October 6, 2008 and the second public hearing (City Council) for October 13, 2008. At this point staff is requesting the Council tentatively approve the policy and direct staff to complete the amending ordinances to implement the policy.

Teresa Warrick, Code Compliance Specialist provided a power point presentation on the City's Code Enforcement Update. The presentation covered street parking, high grass and garbage complaints. She said nuisance and code violation complaints are up because of new subdivisions and RVs being parked in the street.

Teresa said staff would like to enforce the Code by working as a community to clean the City up and make it a more desirable place to live. She said consistency within the codes is staff's main goal. She said the complaint form was revised and requires more pertinent information which will save staff time. She said action taken by the City is complaint driven. She said staff would like residents to enter into a Voluntary Compliance Agreement (VCA) once a problem has been identified. She said people tend to take more responsibility and work on their own to get their property cleaned up. She said the last course of action would be nuisance abatement which may require the use of a collection agency to collect abatement costs the City would incur for cleaning up a property.

In response to a question from Marion Esty, Sheryl said if the City had the authority to impound abandoned vehicles within City limits, the vehicles could be sold in order for the City to recoup some of the impound costs.

Mayor Brooker thanked staff for the large amount of information provided. But he would like to see a public education process be implemented prior to applying these new code requirements. He wanted to make sure the City takes more of an awareness approach rather than a punitive approach.

Sharon Hobart-Hardin said the policy is very thorough and she thanked staff for a great job. She made a suggestion to change the wording from "significant" to "reasonable" throughout the Code update.

Sheryl said the City would like to take the voluntary compliance approach to the Code. She said many of the areas are large and we need to find more ways to assist property owners. Sheryl said the brochures Teresa developed are on the City's website.

The Council agreed the public should be informed about any Code update.

Teresa said a property owner's neighbor continues to complain about high grass within a dog kennel. She said the property owner complied with staff in cleaning up his property but has not cleaned the dog kennel area. His neighbor continues to complain to City staff about high grass in the dog kennel. Teresa said the property looks clean and isn't really something we would normally address, however, the neighbor continues to complain about the possible fire hazard the high grass poses. Staff requested direction from the Council on how to approach low priority complaints.

Mayor Brooker agreed staff needs direction and asked if public safety is a factor. He said staff is off to a good start and it sounds like this is the approach the City wants to take.

The Council agreed there is a fine line defining what will be tolerated and what won't.

Thomas Cotter said even if the neighbor cleaned up the majority of the nuisance, if the dog kennel still needs cleaning, the resident is not in compliance. He felt a fine per day should be levied until the nuisance is cleaned up.

Mayor Brooker said it isn't really a high priority if it's not a health and/or safety issue. He said public awareness regarding the Code Enforcement update should be initiated soon.

(2) Request for Nuisance Enforcement Action on property located at 25311 E. Hunter Road

Teresa Warrick said staff received a complaint in November, 2007 about a large amount of junk and debris located on a 10 acre property on E. Hunter Road. Staff verified the nuisance the same day and a nuisance abatement notice was sent to the property owner shortly thereafter. She said an administrative warrant was issued by the Veneta Municipal Court Judge on January 14, 2008 and served by Deputy Nelson on January 23, 2008. After consultation with the Public Work Superintendent it was determined abating the property would require the City to use heavy equipment to remove the majority of the debris and the time of year made abatement difficult. On March 12, 2008 the property owner entered in to a Voluntary Compliance Agreement (VCA) to clean up the property herself.

Teresa's power point presentation included pictures taken January 28, 2008 of the abandoned vehicles and large amount of garbage located on the property. Since that time the property owner has removed and hauled out over 9.6 tons of debris including three vehicles and a large motor home. The property owner's VCA expired June 12, 2008. On May 30, 2008 the property owner submitted a written request for an extension which was granted through July 31, 2008 on the condition that she meet certain deadlines for debris removal. On August 1, 2008 the property was not completely cleaned and the owner was notified City staff

could not grant another extension. The property owner was advised on August 11, 2008 staff would refer the matter to the City Council who had the authority to direct staff to extend the VCA or direct staff to initiate abatement.

The Council had two options: (1) Direct staff to physically abate the remaining nuisances; or (2) Grant the property owner additional time to abate the nuisance herself.

In response to a question from Darrell Carman, Teresa said about 2/3 of the debris has been cleaned up and removed. She said several recreational vehicles need to be removed.

In response to a question from Mayor Brooker, Teresa said the property owner lives alone on the property.

Mayor Brooker said it is obvious the property owner had been working very hard to clean up her property. He said he doesn't want the City to be punitive if it can be avoided. He asked the Council for their opinions.

Darrell Carman said this clean up was complaint driven. He said there are many properties within the City limits that need to be cleaned up but if someone doesn't complain, the City takes no action and the property owner doesn't have to clean up their property. He would like to see more equal ways to enforce the Code.

MOTION: Darrell Carman made a motion to approve an extension subject to the property owner complying with biweekly staff inspections. However, if new debris is found or moved within the property, then abatement would apply and/or a fine assessed. The property owner shall also maintain her current garbage service and continue with the clean up progress weather permitting. Sharon Hobart-Hardin seconded the motion.

Thomas Cotter said the property owner has shown great progress. He suggested an extension and continued recheck dates. He felt a punitive approach could be taken once the public has been educated on what the code requires. He said the compliance officer would make it more efficient by enforcing a fine and putting the dollars back into enforcement. He said the City needs to be consistent.

Darrell Carman felt the code covers many of the details Thomas Cotter talked about, however, he felt the City should acknowledge the good faith of the property owner. He said a decision needs to be made now because of normal heavy rains in December.

MOTION: Darrell Carman withdrew his previous motion pending further discussion. Sharon Hobart-Hardin withdrew seconding the motion.

In response to a question from Darrell Carman, Sheryl said the Council could grant an extension to the property owner until early spring. If the clean up is not completed by then, the abatement process could be initiated in June.

In response to a question from Sharon Hobart-Hardin, Teresa reviewed the clean up time line.

In response to a question from Mayor Brooker, Teresa said the clean up started in February, 2008 with several dumpsters brought to the property in March and April, 2008.

The property owner, Rose Wymore, spoke briefly to the Council. She said several things happened all at once and she didn't have the time to address all of the problems. She said her intentions were good but it's been very hard for her to clean this up. She said Teresa has been very nice and easy to work with and has been very helpful to her.

Ms. Wymore's daughter spoke briefly and said the voluntary compliance has been a wonderful thing for her mother. She said Teresa broke down the clean up to manageable deadlines for her mother and has made it very easy for her mother to comply with the VCA. She said her mother was hospitalized in March 2008 and she's been pushing herself very hard to clean the property. She felt with continued manageable deadlines the extension should allow her to accomplish her goal to finish the clean up.

In response to a question from Mayor Brooker, Ms. Wymore's daughter said an extension to April 1, 2009 would be enough time to finish the clean up on the property.

Darrell Carman said because Ms. Wymore is doing her best to comply with the VCA, the City should allow the extension.

Sharon Hobart-Hardin said the most logical approach is to continue with the extension.

Sheryl said the inspections would continue in order to confirm the clean up is progressing and the City will set a manageable schedule.

MOTION: Sharon Hobart Hardin made a motion to grant an extension outlined by staff until April 1, 2009. Darrell Carman seconded the motion which passed with a vote of 5-0.

d. CITY ADMINISTRATOR RIC INGHAM

(1) Source Water Protection Proposal

Ric said in October 2007, representatives from Veneta and 15 other Lane County public water systems met to develop ideas for how Lane County could partner with water systems to improve source water protection. The meeting goal was to identify shared source water quality risks and generate a list of potential solutions that would apply throughout Lane County. He said the public water systems participating in the meeting represented 75% of the Lane County population and 90% of the population served by all community public water systems in Lane County.

Ric said Benton County is currently analyzing water resource issues (both quantity and quality) through their Water Program Initiative. He said both Lane and Benton Counties are looking into their water resource issues. He said they are ready to examine the land use options available to protect and restore drinking water quality. LCOG will be the contracted

provider of the services detailed in their proposal. Ric said based on the outcomes and/or interests of the Lane County public water system meetings, a Benton County Workshop and the Benton County Water Project the objective is to integrate drinking water protection into the county land use process by providing and using tools to aid counties in preventing potential contaminants by supporting and improving the decision making processes. Ric outlined the actions requested in the proposal. Ric said Springfield Utility Board (SUB) would be the lead applicant. He provided a copy of his letter of interest to the Oregon Department of Human Services, Drinking Water Program. Ric said no Council action is required at this time.

Mayor Brooker thanked Ric for this information.

5. OTHER

Ric reminded Thomas Cotter and Darrell Carman to turn in their League of Oregon Cities (LOC) questionnaire. He also said the farewell party for Leslie Scott of the Oregon Country Fair will be held at 5:00 p.m. on September 4, 2008 at Our Daily Bread Restaurant.

Ric said Stephania Fregosi's last day will be August 29th. A farewell party for her will take place at 7:00 on August 20, 2008 at the Lane County Fire District No. 1.

Ric said Mayor Brooker commented on the Managers' meeting Ric attended with the City Administrators from Florence and Junction City. They discussed developing a consortium between the three cities. He suggested creating committees from each city to meet three or four times a year to help identify topics and then three City Councils would meet once or twice a year in a joint session. Staff asked for direction from the Council.

The Council agreed developing committees from each city is the way to proceed.

Ric reminded everyone the skateboard contest will be held Saturday, August 16, 2008 at Territorial Park.

Mayor Brooker temporarily adjourned the City Council and opened the executive session of the Veneta City Council at 8:58 p.m.

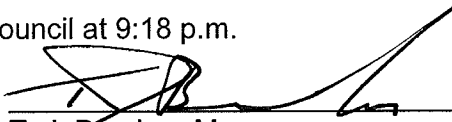
6. EXECUTIVE SESSION

ORS 192.660(2)(e) - Real Estate Negotiations

After making no decisions, Mayor Brooker closed the Executive Session of the Veneta City Council at 9:17 p.m. and returned to the regular City Council meeting at 9:17 p.m.


7. ADJOURN

Mayor Brooker adjourned the City Council at 9:18 p.m.



T. J. Brooker, Mayor

ATTEST:



Darci Henneman, Assistant City Recorder
(minutes prepared by Dhennehan)